

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

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**AT CHARLESTON**

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**ULYSSES A. BELLAMY,**

*Petitioner,*

**v.**

**CIVIL ACTION NO. 2:14-24847**

**MARVIN C. PLUMLEY, Warden,  
Huntsville Correctional Center,**

*Respondent.*

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**RESPONDENT'S ANSWER TO PETITION**

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In answer to the petition under 28 U.S.C. § 2254 filed by Ulysses A. Bellamy ("Petitioner"), the Respondent denies generally that any violation of the Petitioner's rights has occurred.

The Respondent has also filed this day a Motion to Dismiss and Incorporated Memorandum of Law in Support Thereof with exhibits. Should this Court determine that this matter is not ripe for summary dismissal, the Respondent reserves the right to present further evidence and argument in opposition to the Petitioner's claims at such time and place as the Court may direct.

**STATEMENT REGARDING TIMELINESS**

Based upon the procedural history as set forth in the Respondent's motion to dismiss and supporting memorandum of law, the present federal petition is clearly untimely and should be dismissed with prejudice for failure to file within the limitation period prescribed by 28 U.S.C. § 2244(d)(1).

**STATEMENT REGARDING EXHAUSTION**

It is unnecessary to address the issue of exhaustion or inordinate delay because the instant petition is clearly untimely.

**STATEMENT REGARDING TRANSCRIPTS**

The Respondent has included the transcript of Petitioner's circuit court omnibus hearing held on February 17, 2014. Also, the Respondent is in possession of the transcript from the Petitioner's plea hearing, and a copy of the same can be forwarded to the Court for review if desired.

**PRAYER**

The Respondent prays that this Court will deny the relief sought by the Petitioner, and dismiss the "Petition Under 28 U.S.C. § 2254 For Writ Of Habeas Corpus By A Person In State Custody."

Respectfully submitted,

MARVIN C. PLUMLEY, WARDEN,  
Huttonsville Correctional Center,  
*Respondent,*

By Counsel,

PATRICK MORRISEY  
ATTORNEY GENERAL

/s/ Julie A. Warren  
JULIE A. WARREN  
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*Counsel for Respondent*

**CERTIFICATE OF SERVICE**

I, Julie A. Warren, do hereby certify that on October 28, 2014, I electronically filed the foregoing “*Respondent’s Answer to Petition*” with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, the aforesaid document(s) to the following non-CM/ECF participant:

Ulysses A. Bellamy  
#34772  
Huttonsville Correctional Center  
P.O. Box 1  
Huttonsville, WV 26273

/s/ Julie A. Warren  
JULIE A. WARREN